

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, October 3, 2005

Division Two

A108866 – The People v. Lamon Raney.

The judgment is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J.
(Not for Publication)

A106498 – The People v. Jose Medina.

The judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication)

Division Five

A105518 – Rita Parrish, et al., v. Cingular Wireless, LLC, et al.

The order denying the petition to compel arbitration is affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J. (Not for Publication)

A106952 – The People v. Chili Willie.

The sentencing order entered on June 16, 2004, is reversed, and the matter is remanded for proceedings to enforce the restitution fine as a money judgment. Simons, J. We Concur: Stevens, Acting P.J., Gemello, J. (Certified for Publication)

A105906 – Jaime Wing, et al., v. Cingular Wireless, LLC.

The order denying arbitration is affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J. (Not for Publication)

A106400 – The People v. Daniel Mooring.

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication)

Tuesday, October 4, 2005

Division Two

A107557 – The People v. Hector Alberto Marin.

The judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

Division Five

A109736 – In re Taluan T., et al., Persons Coming Under the Juvenile Court Law. Social Services Agency v. Tonia B.

By the Court: Appellant's counsel has filed a no-issues statement, and appellant's own statement does not present any arguable issues. The appeal is dismissed. Jones, P.J.

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Wednesday, October 5, 2005

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Stein, J., and Swager, J.; and P. Aguilar, Deputy Clerk.

A106954 People
 v.
 Wendell Joseph Magraff
Cause called and argued by Thea Greenhalgh, counsel for appellant, and Stan Helfman, counsel for respondent. Cause ordered submitted.

A109083 People
 v.
 Trent Albert Foster
Cause called and argued by Brian D. Newman, counsel for appellant, and William R. Such, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, the Justice Stein left the bench and Justice Margulies joined the bench.

A105990 People
 v.
 George Edward Hilbert
Cause called and argued by William A. Welch, counsel for appellant, and Margo Yu, counsel for respondent. Cause ordered submitted.

A108427 Leslie Howard
 v.
 Maureen McCormick
Cause called and argued by Peter N. Hadiaris, counsel for appellant, and Jaynelle K. Bell, counsel for respondent. Cause ordered submitted.

A108962 Alan Strachan et al.
 v.
 Bijan Madjlessi et al.
Cause called and argued by Mike Watters, counsel for appellants, and Heather Bussing Smith, counsel for respondents. Cause ordered submitted.

Continued

At this point in the proceedings, Justice Margulies left the bench and Justice Stein

rejoined the bench.

A108727 Ezra Curry

v.

Danielle Schanen

Cause called and argued by pro per appellant Ezra Curry and Cherie Davis,
counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Wednesday, October 5, 2005

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Stein, J. and Margulies, J.; and F. Abad, Deputy Clerk.

A106960 Viva! International Voice for Animals, et al.

v.

Adidas Promotional Retail Operations, Inc., et al.

Cause called and argued by Orly Degani, counsel for appellants and Martin Fineman, counsel for respondents. Cause ordered submitted.

At this point in the proceedings, Justice Marchiano left the bench and Justice Swager joined the bench. Justice Stein presided over the remainder of the calendar.

A107549 In re Christopher H.

The People

v.

Christopher H.

Cause called and argued by Katharine Demgen, counsel for appellant and Martin Kaye, counsel for respondent. Cause ordered submitted.

A109257 Hartford Fire Insurance Co., et al.,

v.

The Superior Court of San Francisco County;

Scott C. Turner.

Cause called and argued by Dan Marmalefsky, counsel for petitioner and Kimberly Kralowec, counsel for real party in interest. Cause ordered submitted.

A108108 Richard Popkin, et al.,

v.

City of American Canyon, et al.

Cause called and argued by Anthony Rodriguez, counsel for appellants, Robert Pontelle, counsel for respondent City of American Canyon, and Jennifer Byram, counsel for respondent Napa County Rental Information and Media Services, Inc. Cause ordered submitted.

Court adjourned.

Wednesday, October 5, 2005 (continued)

Division Four

A109530 – Carol Thomas v. City and County of San Francisco.

The judgment is affirmed. Reardon, Acting P.J. We Concur: Rivera, J., Munter, J.* (Not for Publication)

Division Five

A109109 – Olivia Han v. Joshua W. Kriesel.

The order denying the motion for JNOV is affirmed. The appeal from the order denying the motion for new trial is dismissed. Defendant shall be awarded costs on appeal. Simons, J. We Concur: Stevens, Acting P.J., Gemello, J. (Not for Publication)

A107293 – The People v. Lanecia Michelle Mondo.

The judgment of conviction is reversed. The matter is remanded to the trial court with instruction to grant the motion to suppress. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication)

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, October 6, 2005

Division One

A102205 – The People v. Darryeal Woodrow Wilson.

The opinion filed in this case on November 24, 2004 is hereby vacated, and the judgment of the trial court is affirmed in all respects. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication)

Division Two

A109324 – In re Charles C., a Person Coming Under the Juvenile Court Law. The People v. Charles C.

The matter is remanded for the trial court to determine appellant's maximum term of confinement in accordance with section 731, subdivision (b). In all other respects, the judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication)

A099674 – The People v. Joseph Kenneth Sorden.

The judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

Division Three

A106600 – Estate of Mark R. Hughes, Deceased. Kirk D. Hartman, et al., v. Suzan Hughes.

The proration order is reversed insofar as it imposes a charge for future estimated income tax; in all other respects the order is affirmed. Appellants shall recover their costs on appeal. Parrilli, J. We Concur: McGuiness, P.J., Pollak, J. (Certified for Publication)

Thursday, October 6, 2005 (continued)

Division Four

A108970 – Erkan Ogras v. Fang-Warfield, LLC, et al.

The judgment is affirmed. Munter, J.* We Concur: Sepulveda, Acting P.J., Rivera, J.
(Not for Publication)

A109400 – The People v. Gary Lee Logan.

The judgment is reversed in part of the trial court's order requiring Logan to pay probation costs and the cost of preparing a presentence report is stricken. The matter is remanded to the trial court for hearing on his ability to pay all or part of these costs. In all other respects, the judgment is affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Munter, J.*
(Not for Publication)

Division Five

A109398 – In re John M., a Person Coming Under the Juvenile Court Law. The People v. John M.

The February 28, 2005 dispositional order is affirmed. Gemello, J. We Concur: Jones, P.J., Simons, J. (Not for Publication)

A108225 – In re Julian P. et al., Persons Coming Under the Juvenile Law. Contra Costa Bureau of Children and Family Services v. Hermine P.

The request for judicial notice is granted. The order of the trial court is affirmed. Stevens, Acting P.J. We Concur: Simons, J., Gemello, J. (Not for Publication)

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, October 7, 2005

Division Two

A108364 – In re Ronald L., a Person Coming Under the Juvenile Court Law. The People v. Ronald L.

We have carefully reviewed the entire record and concluded that appellant was adequately represented by counsel throughout these proceedings and that there was no sentencing error. We discern no issues that require further briefing and, therefore, the judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

A101161 – The People v. Arthur John Aranda.

By the Court: It is ordered that the opinion filed herein on September 15, 2005, be modified as follows: (See Order) This modification does not effect a change in the judgment. Appellant's petition for rehearing is denied. Kline, P.J. (Not for Publication)

Division Four

A111123 – Nicole K. v. The Superior Court of Solano County; Solano County Department of Health and Social Services, R.P.I.

The petition for an extraordinary writ is denied on the merits. (§ 366.26, sub. (1); Cal. Rules of court, rule 38.1(h).) Our decision is final in this court immediately. (Cal. Rules of Court, rule 24(b)(3).) Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication)

Division Five

A111151 – The People v. Eugene Percey Foster.

By the Court: Accordingly, the above-reference appeal is inoperative and is hereby dismissed. (See Cal. Rules of Court, rule 30(b).) Jones, P.J.

Tuesday, October 11, 2005

Division One

A108427 – Leslie Howard v. Maureen McCormick.

The order appealed from is affirmed. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication)

A107130 – In re Work Uniform Cases. Salvador Goshorn et al., v. State of California et al.

The trial court correctly sustained the demurrers of all defendants to the complaints in the coordinated actions. The judgments are affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Certified for Publication)

Division Three

A106409 – The People v. Terry Thomas.

The judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication)

Division Four

A108668 – In re Jesse S., a Person Coming Under the Juvenile Court Law. The People v. Jesse S.

Judgment affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication)

A108661 – Dona E. Fenton v. Laurence H. Smith et al.

The order granting summary judgment in favor of respondents is reversed. Appellant shall recover her costs on appeal. Sepulveda, J. We Concur: Reardon, Acting P.J., Munter, J.* (Not for Publication)

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR

October 11, 2005

The Court convened at 9:30 a.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Reardon, Acting P.J., Sepulveda, J., and Rivera, J.; Channing Hoo, Deputy Clerk; CHP Officer Vincent Chambers, Bailiff.

A107744 People
 v.
 Anthony B.
Cause called. Violet Elizabeth Grayson argued for appellant Anthony B. Michael Banister argued for respondent. Cause submitted.

Court recessed at 9:48 a.m.

Tuesday, October 11, 2005 (continued)

Division Five

**A107171 – In re Latrece M., a Person Coming Under the Juvenile Court Law.
Alameda County Social Services Agency v. Anthony A.**

The order of the juvenile court is affirmed. The respondent's request for judicial notice is granted. The appellant's request for judicial notice is denied. Stevens, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication)

Wednesday, October 12, 2005

Division One

A107792 – The People v. James Daggs.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Certified for Publication)

A107549 – In re Christopher H., a Person Coming Under the Juvenile Court Law. The People of the State of California v. Christopher H.

The judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication)

A109913 – The People v. Jose Yanes.

The trial court is directed to amend the abstract of judgment to reflect these modifications and to forward a certified copy to the Department of Corrections. In all other respects, the judgment is affirmed. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication)

Division Two

A107699 – The People v. Vorris Eric Hunter.

The order denying reinstatement is reversed. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Certified for Publication)

A102885 – The People v. Irving Leroy Davey.

Our prior decision in *Davey I* is hereby vacated. The judgment as entered is reversed, and the case is remanded to the trial court for resentencing and entry of a new judgment consistent with this opinion. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Certified for Partial Publication)

A106986 – In re Paul W., a Person Coming Under the Juvenile Court Law v. Paul W.

The judgment is affirmed. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication)

Wednesday, October 12, 2005 (continued)

Division Three

A108211 – Marcia Green v. State of California.

The judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, October 12, 2005

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Corrigan, J., and Parrilli J.; and B. Robbins, Deputy Clerk.

- A104481 Peregrine Funding, Inc., et al.
v.
Sheppard Mullin Richter & Hampton.
Cause called and argued by Sean M. SeLegue, counsel for appellant, and Robert H. Bunzel, counsel for respondent. Cause ordered submitted.
- A107354 Cathedral Hill Tower Condominium Association,
v.
Larisa Garbar.
Cause called and argued by J. Philip Martin, counsel for appellant, and Robert Edward Aune, counsel for respondent. Cause ordered submitted.
- A106189 Mark Borsuk, et al.,
v.
Keith Ryan, et al.
Cause called and argued by Thomas G. F. Del Beccaro, counsel for appellants/ cross-respondents, and James T. Johnson, counsel for respondents/cross- appellants. Cause ordered submitted.

At this point in the proceedings, Justice Pollak joined the bench. The panel for the next two cases comprised of Presiding Justice McGuiness, Justice Corrigan and Justice Pollak. Justice Parrilli remained in the courtroom.

- A104458 San Francisco Trial Lawyers Accociation,
A104459 v.
Health Net of California, Inc., et al.,
Cause called and argument commenced; however, argument was continued to October 26, 2005 due to the sudden illness of Robert A. Olson, counsel for appellant.

Justice Parrilli left the bench.

A103145 Floyd Koch, et al.,
 v.
 Edward Hankins, et al.
Cause called. Gary Garfinkle, counsel for appellant, appeared for argument.
Counsel for respondent did not appear due to court clerical error in the mailing of
notification regarding the argument date. Cause ordered continued to October 26,
2005.

At this point in the proceedings, Presiding Justice McGuinness left the bench and
Justice Parrilli re-joined the bench. Justice Corrigan presided over the last two cases
of the session.

A103983 John Moylan, et al.,
 v.
 Tosco Operating Company, Inc.
Cause called and argued by J. Gary Gwilliam, counsel for appellants, and Steven
Bauer, counsel for respondent. Cause ordered submitted.

A108615 Big Valley Rancheria Band of Pomo Indians,
 v.
 The Superior Court of Lake County;
 Michael McAllister, et al.
Cause called and argued by Daniel I.S.J. Rey-Bear, counsel for petitioner, and
Maximilian J.B. Hopkins, counsel for real party in interest. Cause ordered submitted.

Court adjourned.

Wednesday, October 12, 2005 (continued)

Division Four

A109317 – The People v. Grover Cleveland Thomas.

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Munter, J.* Not for Publication)

Division Five

A106401 – The People v. Fraisure Smith.

We reverse and remand for appointment of counsel and for further proceedings on the motion to withdraw the plea on the ground that a factual basis for the plea was lacking. If no motion is made or if the motion is denied, judgment should be reinstated by the trial court. Gemello, J. We Concur: Jones, P.J., Simons, J. (Not for Publication)

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, October 13, 2005

Division Two

A109135 – In re D.L., et al., Persons Coming Under the Juvenile Court Law. Contra Costa Department of Social Services v. Rufus L.

The orders appealed from are affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication)

Division Three

A109027 – In re K.G., a Person Coming Under the Juvenile Court Law. Lake County Department of Social Services v. Robert G.

The December 13, 2004 orders are affirmed. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication)

A104988 – The People v. Michael Jermean Buford.

The judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Not for Publication)

Division Five

A108117 – Phay Him et al., v. City and County of San Francisco.

The judgment is affirmed. Respondent shall be awarded its costs on appeal. Simons, J. We Concur: Jones, P.J., Gemello, J. (Certified for Publication)

Friday, October 14, 2005

Division One

A108630 – In re the Marriage of Lydia D. and Alfonso Guzman. Lydia D. Guzman v. Alfonso Guzman.

The order appealed from is affirmed. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication)

A105990 – The People v. George Edward Hilbert, Jr.

The order of the trial court is affirmed. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication)

Division Three

A107354 – Cathedral Hill Tower Condominium Association v. Larisa Garbar.

The order granting a preliminary injunction is affirmed. Cathedral Hill shall recover its costs on appeal. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication)

Division Four

A108827 – Ema Wills, et al., v. Gwendolyn L. Norris.

By the Court: The petition for rehearing is denied. Reardon, Acting P.J.

Monday, October 17, 2005

Division One

A109083 – The People v. Trent Albert Foster.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication)

Division Two

A102885 – The People v. Irving Leroy Davey.

Order Modifying Opinion and no change in judgment. The Court: It is ordered that the opinion filed herein on October 12, 2005, be modified as follows: (See Order) There is no change in the judgment. Ruvoilo, Acting P.J. (Certified for Publication)

Division Three

A105405 and A106473 – Scott Vogel v. American Amateur Baseball Congress, et al.

Order Denying Request for Publication and Modifying Opinion and change in judgment. By the Court: The request for publication filed on October 4, 2005 is denied. On the Court's own motion, it is ordered that the opinion filed herein on September 21, 2005 be modified as follows: (See Order) McGuiness, P.J. (Not for Publication)

A103411 – The People v. Allen Dimen DeLeon.

By the Court: The petition for rehearing is denied. McGuiness, P.J.

A109849 – The People v. Lawrence Fosha.

The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication)

Monday, October 17, 2005 (continued)

Division Four

A108982 – The People v. Danny Lynn Bigham.

The judgment is affirmed. Munter, J.* We Concur: Sepulveda, Acting P.J., Rivera, J.
(Not for Publication)

A102139 and A106945 – Maureen Sweeny v. Shand S. Stephens.

The orders are affirmed in part and reversed in part. The matter is remanded to the trial court for proceedings consistent with this opinion. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 27(a)(3).) Sepulveda, Acting P.J. We Concur: Rivera, J., Munter, J.* (Not for Publication)

A107209 – Jim Beam Brands Co. v. Franchise Tax Board.

The trial court's grant of summary judgment is affirmed. Sepulveda, Acting P.J. We Concur: Rivera, J., Munter, J.* (Certified for Publication)

A106895 – The People v. Roberta Daviau.

The judgment is affirmed. Munter, J.* We Concur: Reardon, Acting P.J., Sepulveda, J.
(Not for Publication)

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, October 18, 2005

Division One

A105756 – The People v. Robert S. Hughes.

Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

A106273 – The People v. Samuel F. Tewolde.

By the Court: The petition for rehearing is denied. Marchiano, P.J.

Division Two

A108894 – In re George Scott, on Habeas Corpus.

The Governor's decision reversing the Board decision granting Scott parole is vacated. Scott's petition for habeas corpus is granted. The Board is ordered to release Scott pursuant to the conditions set forth in its decision of July 20, 2004, granting him parole and setting a release date. Considering that the release date set by the Board was October 4, 2001, more than four years ago, and in the interests of justice, this opinion shall be final as to this court immediately. (Cal. Rules of Court, rule 24(b)(3).) Kline, P.J. We Concur: Lambden, J., Pollak, J. (Certified for Publication)

A102560 – The People v. Elias A. Gaitan.

A104091 – In re Elias A. Gaitan, on Habeas Corpus.

An order to show cause shall issue, returnable in the Superior Court of Sonoma County, requiring the Department of Corrections to show cause why the relief requested in the petition should not be granted. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication)

A101084 – The People v. Israel Soria.

Our prior decision in *Soria II* is hereby vacated. The cause is remanded to the trial court with directions to correct the abstract of judgment to reflect the court's sentence of nine years in state prison and the midterm on count three, and to forward a certified copy to the Department of Corrections. The judgment is otherwise affirmed in all respects. Kline, P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication)

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION TWO

Tuesday, October 18, 2005

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P.J., Haerle, J., Ruvolo, J. and S. Wheeler, Deputy Clerk.

- A109105 In re Laronn M., a Person Coming Under the Juvenile Court Law.
The People,
v.
Laronn M.
Cause called and argued by Jona Lynn Saby, counsel for appellant, and Michael E. Banister, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A103918 The People,
v.
Florencio Carahay Manning.
Cause called and argued by David S. Kreuger, counsel for appellant, via teleconference, and Catherine McBrien, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A107357 In Re Florencio Manning On Habeas Corpus,

Cause called and argued by David S. Kreuger, counsel for appellant, via teleconference, and Catherine McBrien, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A108599 Stanley MacIsaac,
v.
Waste Management, Inc., et al.
Cause called and argued by Heather Bussing Smith, counsel for appellant, and Ronald John Holland, counsel for respondents. Cause ordered submitted.
- A108247 Rhonda Wayfer,
v.
Maurice Greedes.
Cause called and argued by Peter Allen Firpo, counsel for appellant, via

teleconference, and Bruce Lyndon Kerr, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened at 1:30 p.m. Present: Haerle, Acting P.J., Lambden, J., Ruvolo, J., and S. Wheeler, Deputy Clerk.

A106274 The People,
 v.
 Stephanie Lynn Newton.
Cause called and argued by Steve G. Levine, counsel for appellant, and Christopher J. Wei, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A109306 Rent Stabilization Board of the City of East Palo Alto,
 v.
 City of East Palo Alto, et al.
Cause called and argued Stanley Young, counsel for appellant, and Benjamin Peters Fay, counsel for respondents. Cause ordered submitted.

At this point of the proceedings, Justice Lambden left the bench and Presiding Justice Kline joined the bench as Presiding Justice for the remainder of the calendar.

A108712 Tutor-Saliba Corporation,
 v.
 Dennis J. Herrera.
Cause called and argued by David Romy, counsel for appellant, and James M. Emery, counsel for respondent. Cause ordered submitted.

At this point of the proceedings, Justice Haerle left the bench and Justice Lambden joined the bench for the remainder of the calendar.

A103936 The People,
 v.
 Sergio Octavio Pena, et al.
Cause called and argued by John Alexander Halley and Neil Jacob Rosenbaum, counsel for appellants, and Allen R. Crown, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

Court recess until Wednesday, October 19, 2005 at 9:30 a.m.

Tuesday, October 18, 2005 (continued)

Division Three

A108977 and A111709 – In re Curtis C., a Person Coming Under the Juvenile Court Law. The People v. Curtis C.

– In re Curtis C., on Habeas Corpus.

By the Court: At petitioner's request, the petition for writ of habeas corpus, In re Curtis C., A111709, is consolidated with the appeal in People v. Curtis C., A108977. This court's determination of whether to issue an order to show cause will be deferred until the issues on the appeal have been considered. McGuiness, P.J.

A106503 – C.J.A. Corporation v. Transaction Financial Corporation, et al.

Accordingly, we reverse the fee award in this appeal as well. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication)

A107661 – The People v. Oscar L. Velarde.

The judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Not for Publication)

A103983 – John Moylan et al., v. Tosco Operating Company, Inc.

The judgment is affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication)

Division Five

A109576 – County of Alameda v. The Superior Court of Alameda County; San Leandro Rock Company, Inc., R.P.I.

The alternative writ, having served its purpose, is discharged. The petition for writ of mandate is granted. Let a peremptory writ of mandate issue compelling respondent superior court to vacate its March 3, 2005, order denying petitioner's motion for summary judgment and to enter a new and different order granting the motion. Petitioner shall recover its costs. Gemello, J. We Concur: Jones, P.J., Stevens, J. (Certified for Publication)

A109402 – The People v. Heath Blackwell.

The order revoking probation is affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J. (Not for Publication)

Wednesday, October 19, 2005

Division Two

A104398 – The People v. Benjamin Bruce Perry.

Appellant's conviction is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J.
(Not for Publication)

A106132 – The People v. Winston Kemper.

A109683 – In re Winston Kemper, On Habeas Corpus.

The judgment is affirmed. The petition for writ of habeas corpus is denied. Haerle, J.
We Concur: Kline, P.J., Lambden, J. (Not for Publication)

A107002 – William D. Hogan v. City and County of San Francisco.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication)

**A107845 – In re Ladaysha C., a Person Coming Under the Juvenile Court Law.
People of the State of California v. Ladaysha C.**

We affirm the judgment in all respects, but remand to the juvenile court for further proceedings with regard to the time of confinement consistent with this opinion. Lambden, J.
We Concur: Kline, P.J., Ruvolo, J. (Not for Publication)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION TWO
Wednesday, October 19, 2005

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kline, P.J., Haerle, J., Lambden, J., I. Santos, Deputy Clerk.

- A107400 The People,
 v.
 Cynthia Chester.
Cause called and argued by Joel Coble, counsel for appellant, and Robert Condie, counsel for respondent. Cause ordered submitted.
- A107410 The People,
 v.
 Bette-Jean Brown.
Cause called and argued by Joel Coble, counsel for appellant, and Robert Condie, counsel for respondent. Cause ordered submitted.
- A106476 Robert Boehm, III,
 v.
 Viola Bray Dal Busco.
Cause called and argued by Rose M. Zoia, counsel for appellant, and James Patrick Cilley, counsel for respondent. Cause ordered submitted.
- A107783 George William Heubel et al.,
 v.
 Brian R. Dinday et al.
Cause called and argued by Thomas A. Trapani, counsel for appellant, and Brian R. Dinday, counsel for respondent. Cause ordered submitted.
- A109541 Kimberly Gin,
 v.
 Pennsylvania Life Insurance Company et al.
Cause called and argued by Manuel Joseph Scanlon, counsel for appellant, and Richard P. Tricker, counsel for respondent. Cause ordered submitted.
- A104275/
A105189 Cause called and argued by Jon Christopher Weir, counsel for appellant, and Georgia Ann Michell-Langs, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED.

Wednesday, October 19, 2005 (continued)

Division Three

A107765 – Allied Arts Neighbors et al., v. The City of Menlo Park; The Woodside-A Therton Auxillary to the Lucille Salter Packard Children’s Hospital at Stanford University et al., R.P.I.

Order Modifying Opinion and Denying Rehearing and change in judgment. The Court: It is ordered that the opinion filed herein on September 27, 2005, be modified so that the disposition of the opinion reads as follows: (See Order) This modification changes the judgment. The petition for rehearing is denied. McGuiness, P.J. (Not for Publication)

A110118 – Maalik Al-Maalik v. Lada Smirnova.

The judgment is affirmed. Al-Maalik shall recover his costs on appeal. Pollak, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication)

A108916 – The People v. Timothy Epps.

The judgment is affirmed. Pollak, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication)

A104481 – Peregrine Funding, Inc., et al., v. Sheppard Mullin Richter & Hampton LLP.

The order denying Sheppard’s special motion to strike is reversed in part. On remand, the trial court is directed to enter an order granting the motion to strike as to all claims asserted by the investor-plaintiffs and all claims asserted by the bankruptcy trustee on behalf of Peregrine. The order denying Sheppard’s motion to strike is affirmed as to the remaining claims, which are those asserted by the bankruptcy trustee on behalf of the Funding Entities. Each side shall bear its own costs on appeal. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Certified for Publication)

A106189 – Mark Borsuk, et al., v. Keith Ryan, et al.

The March 30, 2004, judgment is affirmed insofar as appealed from by appellants. The part of the March 3, 2004, order that denies respondents’ motion for attorney fees on the prior appeal is reversed. The matter is remanded for a new determination of respondents’ request for attorney fees on the prior appeal in *Borsuk v. Ryan* (Oct. 24, 2003) A100668 [nonpub. Opn.]). Respondents are awarded costs on this appeal and cross appeal. Upon remand, respondents may also apply for an award of attorney fees on this appeal and cross appeal. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication)

Wednesday, October 19, 2005 (continued)

Division Four

A107095 – Church of Scientology International v. The Superior Court of Marin County; Gerald Armstrong, R.P.I.

The petition for writ of certiorari is granted in part. The trial court is directed to reinstate the sentences previously imposed on Armstrong for the contempt citations of June 5, 1997 and February 20, 1998 and to reinstate the fine on the third contempt citation. The parties are to bear their own costs. Rivera, J. We Concur: Sepulveda, Acting P.J., Munter, J.*

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, October 20, 2005

Division One

A111058 – Danielle W. v. San Francisco County Superior Court; San Francisco County Department of Human Services et al., R.P.I.

The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894, *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) This decision is final in this court immediately. (Rule 24(b)(3).) Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication)

Division Two

A103315 – The People v. James Thomas Hinkle.

Appellant's sentence is vacated and the matter remanded to the trial court for further resentencing of appellant consistent with the foregoing opinion. Otherwise, the judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication)

A106833 – Victoria Tseng v. Jeffrey C.P. Wang et al.

The order denying appellants' motion to strike is affirmed. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication)

A109012 – The People v. James Edward Cull.

The order conditioning probation on the requirement appellant spends 180 days in county jail is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication)

A106476 – Estate of Robert Boehm, Jr., Deceased. Robert A. Boehm III, v. Viola Bray Dal Busco.

The judgment is affirmed. Viola is awarded her costs on appeal. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

A109306 – The Rent Stabilization Board of the City of East Palo Alto v. City of East Palo Alto et al.

The judgment is affirmed. The rent board is to pay costs. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication)

Friday, October 21, 2005

Division One

A109233 – The People v. Charlene Kirtley.

The judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

A109645 – In re Ghazal B., a Person Coming Under the Juvenile Court Law. The People v. Ghazal B.

The order is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

Division Two

A106854 and A109524 – Glenn A. Woroch v. The Regents of the University of California et al.

The judgment is affirmed. Woroch is to pay the costs of appeal. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

A104275 and A105189 – David R. Olick v. Georgia Ann Michell.

The judgment is affirmed. Michell is awarded costs. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

Division Three

A102858 – Concord Christian Center, et al., v. Open Bible Standard Churches, et al.

By the Court: The petition for rehearing is denied. McGuiness, P.J.

A104260 – Fritz Benesch, et al., v. Valli Benesch Tandler, et al.

By the Court: The petition for rehearing is denied. McGuiness, P.J.

Friday, October 21, 2005 (continued)

Division Four

A105394 – The People v. Sherman L. Davis.

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Munter, J.*
(Not for Publication)

Division Five

A103263 – The People v. Norman E. Patterson.

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication)

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Monday, October 24, 2005

Division One

A106342 – Troy Vann v. Joan Porter Anderson.

The judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication)

A107526 – Margaret Seltzer v. William Gwire.

The order denying Gwire's motion to strike the fifth cause of action of Seltzer's cross-complaint is reversed and the trial court is directed to enter a new and different order striking the fifth cause of action of Seltzer's cross-complaint. In view of our conclusion, it is unnecessary to consider Seltzer's appeal from the order denying her request for attorney fees. Gwire shall recover costs on appeal. Gwire shall recover costs on appeal. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication)

A108962 – Alan Strachan et al., v. Bijan Madjlessi et al.

The order granting the mandatory preliminary injunction requiring defendants to convey title to the Strachans is reversed. Defendants shall recover their costs on appeal. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication)

A108198 – Raymond Reudy et al., v. O.K. Investments, Inc. et al.

Order Modifying Opinion and Denying Rehearing and no change in judgment. The Court: It is ordered that the opinion filed herein on September 29, 2005, be modified as follows: (See Order) There is no change in the judgment. Respondents' petition for rehearing is denied. Marchiano, P.J. (Not for Publication)

A107874 – The People v. William Davenport.

The judgment and sentence are affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication)

A108699 – The People v. Anthony Damarion Wilson.

The judgment is affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication)

Monday, October 24, 2005 (continued)

Division Two

A103850 – The People v. Larry John Sprinkle.

The restitutionary order is stricken and the matter is remanded for correction of the restitutionary order in a manner consistent with this opinion. In all other respects, the judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication)

A103286 – The People v. Gregory Anthony Powell.

The judgment is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication)

Division Four

A107744 – In re Anthony B., a Person Coming Under the Juvenile Court Law. The People v. Anthony B.

The judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication)

Division Five

A109302 – In re Leon S., a Person Coming Under the Juvenile Court Law. The People v. Leon S.

The order of the juvenile court is reversed. Stevens, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication)

Tuesday, October 25, 2005

Division One

A109897 – Robert Henderson v. Alameda County Medical Center.

The summary judgment is affirmed. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication)

A106954 – The People v. Wendell Magraff.

The judgment is affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication)

Division Two

A106553 – The People v. Miguel Edward Mayzes.

Our prior decision in *Mayzes I* is hereby vacated. The judgment and sentence of the trial court is affirmed in all respects. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

A102310 – The People v. Michael Thomas Gorman.

Our prior decision in *Gorman I* is hereby vacated. The judgment and sentence of the trial court is affirmed in all respects. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

A105299 – The People v. Paul Eric Shea.

Our prior decision in *Shea I* is hereby vacated. The judgment and sentence of the trial court is affirmed in all respects. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

Division Four

A107592 – The People v. Debbie Lynn Patnode.

The judgment is reversed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR

October 25, 2005

The Court convened at 9:30 a.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Reardon, Acting P.J., Sepulveda, J., and John Munter, Assigned Judge; Channing Hoo, Deputy Clerk; CHP Officer Stephen Umeki, Bailiff.

A106919 People
 v.
 Collie George Downer
Cause called. Victor J. Morse argued for appellant Downer. David Baskin argued for respondent. Cause submitted.

At this point, the Court reconstituted itself to include Reardon, Acting P.J., Sepulveda, J., and Rivera, J.

A107711 Les G. Miklosy et al.
 v.
 Regents of the University of California et al.
Cause called. Gary Gwilliam argued for appellants Miklosy et al. Patrick M. Glenn argued for respondents. Cause submitted.

A107652 Mike Manuel
 v.
 Ernest R. Alderson
Cause called. John Crowley argued for appellant Manuel. William S. Berheim teleargued for respondent. Cause submitted.

At this point, the Court reconstituted itself to include Sepulveda, Acting P.J., Rivera, J., and John Munter, Assigned Judge.

A108288 David McDaniel, Jr., a minor etc. et al.

v.

Linda Swarts

Cause called. Eric Wiesel argued for appellants McDaniel et al. Peder K. Batalden argued for respondent. Cause submitted.

Court adjourned at 10:41 a.m.

Tuesday, October 25, 2005 (continued)

Division Five

A109101 – Paul Cobb et al., v. Jack O’Connell.

The judgment of dismissal is affirmed. Stevens, J. We Concur: Jones, P.J., Gemello, J.
(Not for Publication)

Wednesday, October 26, 2005

Division One

A108727 – Danielle S. v. Eric C.

Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication)

Division Two

A108925 – Lisa L. Crocker etc., v. Mildred J. Ravani.

The judgment is affirmed. Costs are awarded to mother. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

A106541 – In re Vincent C., a Person Coming Under the Juvenile Court Law. Contra Costa County Social Service Department v. Catherine C.

The challenged order denying mother's section 388 order is affirmed. Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication)

A110122 – The People of the State of California v. David Alan Peterson.

The judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication)

A103410 – The People v. Kevin Leon Morris, Sr.

A108912 – In re Kevin Leon Morris, Sr., on Habeas Corpus.

Our prior decision in *Morris I* is hereby vacated. The judgment and sentence of the trial court is affirmed in all respects. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication)

A109578 – In re Janet W., a Person Coming Under the Juvenile Court Law. San Francisco Department of Social Services v. Mary Louise S.

The juvenile court's order is affirmed. Kline, P.J. We Concur: Haerle, J., Ruvolo, J. (Not for Publication)

STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, October 26, 2005

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Corrigan J., and Parrilli J.; and J. Alameda, Deputy Clerk.

A104043 Jean Deleage,
 v.
 Gerald Rosenbluth, et al.
Cause called and argued by Ernest M. Thayer, counsel for appellant, and Jan B. Chilton, counsel for respondents. Cause ordered submitted.

At this point in the proceedings, Justice Pollak joined the bench. Justice Parrilli remained in the courtroom.

A104458 San Francisco Trial Lawyers Association,
A104459 v.
 Health Net of California, Inc., et al.
Cause called and argued by William Taylor, counsel for appellants, and Terrence J. Coleman, counsel for respondent. Cynthia Tobisman appeared for appellants but did not argue. Cause ordered submitted.

At this point in the proceedings, Justice Pollak left the bench.

A105655 Poonkinny Road Coalition, et al.,
 v.
 County of Mendocino, et al.,
 Clyde R. Williams, et al.
Cause called and argued by Luke Winthrop Cole, counsel for appellants, Frank Edward Zotter, counsel for respondents who appeared by telephone conference, and Frank Bacik, counsel for real parties in interest. Cause ordered submitted.

A106682 The People,
 v.
 Benito Flores Garza.
Cause called and argued by Jeffrey S. Kravitz, counsel for appellant, and David H. Rose, counsel for respondent. Cause ordered submitted.

- A106865 George McCown,
v.
Director, Department of Motor Vehicles.
Cause called and argued by Marjorie Elizabeth Cox, counsel for appellant, and John Alexander Halley, counsel for respondent. Cause ordered submitted.
- At this point in the proceedings, Justice Corrigan left the bench and Justice Pollak re-joined the bench.
- A108238 Preston Avery, et al.,
v.
County of Contra Costa, et al.
Cause called and argued by Marc G. Hynes, counsel for appellants, and Thomas L. Geiger, counsel for respondents. Cause ordered submitted.
- A109496 Circle Star Center Associates, et al.,
v.
Pami MidAtlantic, LLC.
Cause called and argued by James M. Harris, counsel for appellant and Thomas Paine, counsel for respondents. Cause ordered submitted.
- At this point in the proceedings, Justice Parrilli left the bench and Justice Corrigan re-joined the bench.
- A109252 Environmental Law Foundation,
v.
Wykle Research, Inc., et al.
Cause called and argued by James Wheaton, counsel for appellant and Ann Gilda Grimaldi, counsel for respondents. Josh Borger appeared for the appellant but did not argue and Stanley Landfair appeared for the respondents but did not argue. Cause ordered submitted.
- A103145 Floyd Koch, et al.,
v.
Edward Hankins, et al.
Cause called and argued by Gary Steven Garfinkle, counsel for appellants, and Andrew H. Wilson, counsel for respondents. Cause ordered submitted.
- Court adjourned.

Wednesday, October 26, 2005 (continued)

Division Four

A108839 – In re B.G., a Person Coming Under the Juvenile Court Law. The People v. B.G.

The order is affirmed. Sepulveda, Acting P.J. We Concur: Rivera, J., Munter, J.* (Not for Publication)

A109633 – James Chaffee v. San Francisco Public Library Commission et al.

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication)

A110083 – In re Marcell S., a Person Coming Under the Juvenile Court Law. The People v. Marcell S.

The dispositional order is affirmed. Munter, J.* We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication)

A109428 – The People v. Aaron Deshaun Tillis.

Judgment affirmed. Reardon, Acting P.J. We Concur: Rivera, J., Munter, J.* (Not for Publication)

A109090 – The People v. Guillermo Osuna Rodriguez.

The judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication)

Division Five

A110198 – The People v. Cornell Brown.

The judgment of conviction is affirmed. Stevens, Acting P.J. We Concur: Simons, J., Gemello, J. (Not for Publication)

A105760 – The People v. Troy Monroe McCray.

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication)

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, October 27, 2005

Division One

A106963 – The People v. Barry Creath Whitely.

The order adjudging defendant a sexually violent offender and extending his commitment to the Department of Mental Health for treatment and confinement is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication)

Division Two

A105166 – The People v. Richard Forrest Picard.

The judgment is affirmed. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication)

A108651 – In re Andrew W., a Person Coming Under the Juvenile Court Law. The People v. Andrew W.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication)

Division Four

A107711 – Les G. Miklosy et al., v. The Regents of the University of California et al.

The judgment is affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication)

A110191 – The People v. Moises Nava Palomar.

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication)

A110246 – The People v. Andree Dupree Reed.

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Munter, J.* (Not for Publication)

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, October 27, 2005 (continued)

Division Five

A105874 – Miller Avenue Professional and Promotional Services, Inc. v. Charles A. Koss et al.

The judgment, and the order sustaining the demurrer to MAPPS's amended complaint, is reversed. MAPPS shall recover its costs on appeal. Stevens, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication)

Friday, October 28, 2005

Division One

A109643 – Sylvy Yamazaki v. Susan Ryan.

The order is affirmed. Ryan is awarded her costs on appeal. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication)

A106266 – The People v. Clifford Hayter.

Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication)

Division Two

A110029 – The People v. Anthony Charles Happel.

The judgment is affirmed. Ruvo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

A107410 – The People of the State of California v. Betty-Jean Brown.

The trial court's order is affirmed in its entirety. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

A107400 – The People of the State of California v. Cynthia Chester.

The trial court's order is affirmed in its entirety. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

A103936 – The People of the State of California v. Sergio Octavio Pena and Adam Gabriel Garcia.

Appellants' convictions are affirmed. Lambden, J. We Concur: Kline, P.J., Ruvo, J. (Not for Publication)

Friday, October 28, 2005 (continued)

Division Three

A108238 – Preston Avery et al., v. County of Contra Costa et al.

The judgment is affirmed insofar as it denies the petition for a writ of mandate and dismisses the first cause of action. The judgment is reversed insofar as it dismisses the remaining causes of action, and the matter is remanded for further proceedings consistent with this opinion. The Averys shall recover their costs on appeal. Pollak, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication)

A109496 – Circle Star Center Associates L.P. et al., v. Pami Midatlantic LLC et al.

The order granting in part and denying part defendant's special motion to strike is affirmed. Plaintiffs shall recover their costs on appeal. Pollak, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication)

**A109445 – In re Andrew G., a Person Coming Under the Juvenile Court Law.
Alameda County Social Services Agency v. Jessica B.**

The juvenile court's order is affirmed. McGuiness, P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication)

Friday, October 28, 2005 (continued)

Division Four

A109750 – In re Gina S., a Person Coming Under the Juvenile Court Law. Marin County Department of Social Services v. Donna S.

The juvenile court's February 1, 2005 order directing appellant to return copies of documents she received from the juvenile court's file and not to disseminate them is affirmed. The order denying appellant's section 827 petition is reversed and the case is remanded for proceedings consistent with this opinion. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Certified for Publication)

A109609 – In re Tasha T., a Person Coming Under the Juvenile Court Law. Contra Costa County Bureau of Children and Family Services v. Gary L.

The order terminating parental rights as to appellant Gary L. is reversed and the cause is remanded solely to require the juvenile court to determine whether the requirements of the ICWA have been met and whether Tasha is an Indian child. If the juvenile court determines that proper ICWA notice has been provided and that Tasha is not an Indian child, then that court shall reinstate the order terminating appellant's parental rights. If, on the other hand, such determinations are not forthcoming, then the juvenile court shall evaluate appellant's claims in conformity with the ICWA. In all other respects, the order of the court below is affirmed. Munter, J.* We Concur: Sepulveda, Acting P.J., Rivera, J. (Not for Publication)

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Monday, October 31, 2005

Division One

A105165 – The People v. Jessie Thomas Ivey.

The trial court's sentencing order and our initial decision in this appeal, filed April 25, 2005, are both vacated. The case is remanded to the trial court for the limited purpose of conducting sentencing proceedings in accordance with the terms of this decision. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication)

A108108 – Ruth Popkin et al., v. City of American Canyon et al; The Tenants Residing at Las Casitas Mobile home Park, R.P.I.

The judgment is affirmed. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication)

A106644 – The People v. Lovick Bouhaphanh.

We remand this case with directions for the superior court clerk to: (1) prepare an amended abstract of judgment striking the imposition of restitution fines under sections 1202.4 and 1202.45; and (2) forward a copy of the amended abstract to the Department of Corrections. In all other respects, we affirm the judgment. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication)

Monday, October 31, 2005 (continued)

Division Two

A106132 – The People v. Winston Kemper.

A109683 – In re Winston Kemper, on Habeas Corpus.

By the Court: It is ordered that the opinion filed herein on October 19, 2005, be modified as follows: (See Order) This modification does not effect a change in the judgment. Appellant's petition for rehearing is denied. Kline, P.J. (Not for Publication)

A104615 – The People v. Howard Bizzell.

The judgment is affirmed. This case is remanded to the trial court for correction of the abstract of judgment and the sentencing errors identified herein. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication)

A108807 – Joyce M. Lawrence v. Ronald M. Berman et al.

The judgment is affirmed. Berman is entitled to his costs on appeal. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication)

A109105 – In re Laronn M., a Person Coming Under the Juvenile Court Law. The People v. Laronn M.

The matter is remanded to the juvenile court with direction to exercise its discretion to determine whether count one would be a felony or misdemeanor in the case of an adult. The juvenile court's orders are otherwise affirmed. Kline, P.J. We Concur: Haerle, J., Ruvolo, J. (Not for Publication)

Monday, October 31, 2005 (continued)

Division Three

A111076 – Mari R. v. The Superior Court of Napa County; Napa County Department of Health and Human Services et al., R.P.I.

A111077 and A111162 – Robert R. v. The Superior Court of Napa County; Napa County Department of Health and Human Services et al., R.P.I.

The petitions for extraordinary relief are denied on their merits. (See Cal. Const., art. VI, § 14 *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) Because the permanency planning hearing is set for November 3, 2005, our decision is immediately final as to this court. (Cal. Rules of Court, rule 24(b)(3).) Corrigan, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication)

A106865 – George McCown v. Department of Motor Vehicles.

The judgment is reversed, and the trial court is directed to enter an order denying the writ petition. McCown shall bear costs on appeal. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication)

A110245 – The People v. Ericka Lannette Brown.

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication)

A103145 – Floyd Koch et al., v. Edward Hankins et al.

The order denying attorney fees is reversed and the case is remanded for further proceedings. Corrigan, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication)

A104043 – Jean Deleage v. Gerald Rosenbluth et al.

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication)

Monday, October 31, 2005 (continued)

Division Four

A106919 – The People v. Collie George Downer.

The judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment stating that the convictions on Counts 4, 5, and 6 were for violation of section 288a, subdivision (c)(2), and to forward a certified copy of the amended abstract to the Department of Corrections. Munter, J.* We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication)

A108288 – David McDaniel, Jr. v. Linda Swarts.

Accordingly, the summary judgment is affirmed. Defendant is awarded costs on appeal. Munter, J.* We Concur: Sepulveda, Acting P.J., Rivera, J. (Not for Publication)

Division Five

A108115 – Calvin Yee v. Grove U.S. et al.

The stipulated order is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication)

A109703 – In re David S., a Person Coming Under the Juvenile Court Law. The People v. David S.

The disposition order is affirmed. Jones, P.J. We Concur: Simons, J., Gemello, J. (Certified for Publication)

A108971 – Deborah Griffin et al., v. United Healthcare Services Inc. et al.

The order denying defendants' petition to compel arbitration is affirmed. Jones, P.J. We Concur: Simons, J., Gemello, J. (Not for Publication)

A107028 – The People v. Lawrence Edward Riehl.

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication)

* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

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